

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 19670 of 1995

Between:

Syed Nayamathulla S/O.S.D.Ahamuthulla
Teckmal Village, Teckmal Mandal Medak Dist. **PETITIONER**

AND

1.The Mandal Revenue Officer
Mandal Office Tekmal
Medak Dist.
2.The Sub Collector
RDO office, Medak**RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that the petitioner is alone entitled to take away the mango trees that were cut by the persons representing Sri Shabul Hussain Khadri & Fazullah Hussain Khadri, actually in survey nos.1808&1932 which are in possession of petitioner of Telkmal village Tekmal Mandal, Medak dist by directing the respondents herein to permit the petitioner to take away the same and further, consequently to declare the proposed auction fixed on 1-9-1995. at 11.30a.m by the respondent No.1 in file No.c/1616/95dt.26-8-1995.as arbitrary, illegal and against the principles of natural justice and violative of article 300 A of Constitution of India and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.VINOD KUMAR DESHPANDE

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

Heard learned Counsel for the parties.

The grievance of the petitioner was that a notice of auction of the fruit over the suit land was issued, which was illegal as the land belongs to the petitioner.

In the counter-affidavit, the respondents have claimed that the land belongs to the Government and is a poramboke land. But in para 2, they have stated that the petitioner might have occupied the land and might have also paid the land revenue for the occupation period.

In view of these assertions in the counter-affidavit, there is no dispute that the petitioner was in occupation of the land. If the land belongs to the Government, the Government can proceed against the writ petitioner in accordance with law. Therefore, the impugned order is quashed. Writ Petition is allowed. By allowing this writ petition, this Court does not express any opinion about the merits of the case and the respondent shall be at liberty to seek eviction of the petitioner in accordance with law.

5th August, 2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday, the fifth day of August, Two thousand and four.

Asst. REGISTRAR

To:

1.The Mandal Revenue Officer
Mandal Office, Tekmal,
Medak Dist.

2.The Sub Collector,
RDO office, Medak

3.Two CCs to the G.P for Revenue,
High Court Buildings, High Court of A.P.,
Hyderabad (O.U.T.)

4.Two CD copies.